

**Amendment No. 8 to Bill 1401**

Proposed by: Mr. Bartlett

Introduced by: Mr. Bartlett, Ms. Price

Date: August 14, 2018

**A BILL TO REPEAL AND REPLACE TALBOT COUNTY CODE CHAPTER 190, ENTITLED “ZONING, SUBDIVISION, AND LAND USE DEVELOPMENT”, IN ITS ENTIRETY, AND TO ENACT AN ENTIRE NEW CHAPTER 190 OF THE TALBOT COUNTY CODE TO IMPLEMENT ZONING CONTROLS AND REGULATIONS CONSISTENT WITH AND PURSUANT TO THE 2016 TALBOT COUNTY COMPREHENSIVE PLAN**

**KEY**

**Boldface**.....Heading or defined term

Underlining.....Added by amendment

~~Strikethrough~~.....Deleted by amendment

\* \* \* ..... Existing Bill unaffected

Proposed Amendments: The amendments proposed to the text of Exhibit “A” to the Bill are as follows:

\* \* \*

**25.2 TABLE OF LAND USES**

Key:

P: Permitted principal use

A: Permitted accessory use

S: Special Exception

C: Requires approval by the County Council

Blank: Not permitted

\* \* \*

Use Type	Section Cross-Reference	Conservation Districts					Residential Districts		Village Districts			Commercial/Industrial Districts		
See the subsection of Chapter 190 listed below for specific requirements.		AC	CP	WRC	TC	RC	RR	TR	VR	VH	VM	LC	GC	LI
<del>Property maintenance and landscape contracting</del>	<del>30.3</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>						<del>S</del>	<del>P</del>	<del>P</del>	<del>P</del>

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### 30.3 ~~RESERVED PROPERTY MAINTENANCE AND LANDSCAPE CONTRACTING~~

~~A. Includes lawn and grounds services such as landscape installation and maintenance and tree service.~~

~~B. No exterior storage is permitted in the LC District.~~

~~C. The following requirements apply to this use in the AC, CP, WRC, TC, and VM Districts:~~

~~1. Site plan approval is required.~~

~~2. Minimum lot size: ten acres.~~

~~3. The road access for the contracting business shall be to a major collector or arterial road.~~

~~4. Setbacks for structures and outdoor storage, loading, operations or parking areas:~~

~~a. From property lines or road rights of way: 200 feet.~~

~~b. From neighboring residences: 300 feet.~~

~~c. From tidally influenced waters: 100 feet.~~

~~5. The following requirements apply to all outdoor areas used for vehicle, equipment or material storage. Such outdoor areas shall:~~

~~a. Occupy no more than five percent of the lot area;~~

~~b. Be limited to locations shown on the approved special exception and site plan; and,~~

- ~~e. Be screened from adjacent properties, public ways, and shorelines by a type D landscape yard, or an equivalent combination of vegetation, setbacks and topography.~~

~~6. Truck limits:~~

~~The Board of Appeals in approving this use shall establish limits on truck traffic generated by the use in order to ensure that the use does not negatively impact neighboring land uses. The Board's approval shall not exceed the following levels:~~

- ~~a. No more than six trucks may be based on the lot (parked during non-business hours), and no more than one truck per two acres of lot area.~~
- ~~b. Any truck based on the lot shall have a gross vehicle weight rating (GVWR) under 26,000 pounds (not including trailer weight).~~
- ~~c. The contracting business shall not generate visits to the site by trucks with a gross vehicle weight rating of 26,000 pounds or greater.~~
- ~~d. The special exception approval shall include an operating plan that establishes limitations on truck traffic to avoid negative impacts on neighboring properties. The plan shall include limits on daily and weekly vehicle trips.~~

~~7. New structures shall be limited to a roof ridge height of not greater than 25 feet.~~

~~8. No more than five nonresident employees shall report to a site.~~

~~9. The Board of Appeals shall establish the hours of operations when employees may report to the site, but the hours shall be no earlier than 6 a.m. and no later than 8 p.m.~~

~~10. With specific approval of the Board of Appeals, the use may include composting of yard waste generated by the business, subject to the following:~~

- ~~a. Minimum lot size: 15 acres.~~
- ~~b. Maximum composting area (in addition to the area allowed above of the contracting use): one acre.~~
- ~~c. Minimum setbacks for composting area:
  - ~~i. From lot lines: 150 feet.~~
  - ~~ii. From existing residences: 300 feet.~~~~
- ~~d. Screening as required by F.3 above shall be required.~~
- ~~e. Composting facility machinery operating hours shall be restricted to 7:00 a.m. and 7:00 p.m., Monday through Friday.~~

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### 33.5 COTTAGE INDUSTRY

See also Home Occupation.

#### A. USES APPROPRIATE AS COTTAGE INDUSTRIES

The following list indicates uses that would be appropriate as cottage industries.

1. Craftsman (cabinetmaker, furniture maker, saddler, gunsmith etc.).
2. ~~Small-scale~~ Property maintenance and landscape contractors.
3. Farm equipment services and repairs.
4. Firewood harvesting and sales.
5. Home improvement contractors (plumber, heating/air-conditioning technician, carpenter, mason, electrician, roofer, glazier, painter, etc.).
6. Septic, sewer or drain service.
7. Vehicle and boat repair, detailing or painting conducted exclusively inside an accessory structure.
8. Wholesale seafood distribution without operation of truck refrigeration units on the property.

#### B. STANDARDS FOR COTTAGE INDUSTRIES

1. Minimum lot size: five acres.
2. The cottage industry shall not occupy more than 3,000 square feet in a single accessory structure or in a combination of accessory structures, unless minimum lot size exceeds ten (10) acres in size, in which case the accessory structure(s) may up occupy up to but not more than 5,000 square feet.
3. No more than one cottage industry per residence or lot is permitted. The use shall be incidental and secondary to the use of the residential dwelling.
4. Major site plan approval is required. See Article VII.
5. A use certificate is required for continued operation of all cottage industries. Cottage Industry use certificates shall be renewed every two years. The County shall conduct a site inspection to ensure compliance with the terms and conditions of the original approval, including any amendments, as a condition of renewal.
6. The property used for the cottage industry shall contain the primary residence of the proprietor.
7. If the proprietor is not the property owner, evidence of permission of the property owner to use the property for the cottage industry must be provided to the Planning Director.
8. Setbacks for structures and outdoor storage, loading, operations or parking areas:
  - a. From neighboring property lines: 150 feet.
  - b. From neighboring residences: 200 feet.
  - c. From tidally influenced waters: 100 feet.
9. The following requirements apply to outdoor areas used for equipment or material storage, repair or work areas, and parking, loading or circulation of trucks with a gross vehicle weight rating over 10,000 pounds. Such outdoor areas shall:
  - a. Occupy no more than 10,000 square feet;
  - b. Be limited to locations shown on the approved site plan; and,

- c. Be screened from adjacent properties, public ways, and shorelines by a Type D landscape yard (§190-40.5.C), or an equivalent combination of vegetation, setbacks and topography.

**10. Truck limits:**

- a. No more than two trucks used for the cottage industry may be based on the lot (parked during non-business hours), unless minimum lot size exceeds ten (10) acres in size, in which case up to but not more than five (5) trucks are permitted.
- b. The cottage industry shall not generate visits to the site by trucks with a gross vehicle weight rating over 16,000 pounds.
- c. On any single day, no more than 10 truck trips may be generated by the cottage industry (including employee's commuter vehicles arriving at or leaving the site), with no more than four trips by trucks with GVWR of 10,000 pounds or more.

**11. Adequate, dust-free areas shall be provided for safe on-site circulation and parking of vehicles related to the cottage industry.**

**12. Any change, enlargement or alteration of a cottage industry use, or of the structure and facility occupied by the use, shall require site plan approval.**

**13. New accessory structures for cottage industries:**

- a. Proprietors who desire to construct a new accessory structure for a cottage industry must own and reside on the property.
- b. Proprietors of a cottage industry operated on land owned by an immediate family member may be allowed to construct a new accessory structure.
- c. Proprietors who rent their primary residence on property that contains the cottage industry must operate the cottage industry using existing accessory structures only.
- d. New accessory structures shall be limited to a roof ridge height of not greater than 25 feet.

**14. No more than five nonresident employees shall report to a cottage industry site, unless minimum lot size exceeds ten (10) acres in size, in which case up to but not more than seven (7) employees are permitted.**

**15. In the VR, VH or VM district employees shall not report prior to 7:00 a.m. or leave after 9:00 p.m.**

**16. No use shall require internal or external construction features or the use of electrical, mechanical, or other equipment that would change the fire rating of the structure or in any way increase the fire danger to neighboring structures or residences.**

**17. Cottage industries shall not conduct retail sales. In this Section, "retail sales" means providing goods directly to the customers where such goods are displayed on site and are available for immediate purchase and removal from the premises by the purchaser. "retail sales" does not include:**

- a. Displaying goods online or by catalogue where the customer browses and completes the purchase remotely, such as online, by phone, or mail, and the purchased goods are then shipped to the customer;
  - b. Maintaining a workshop or showroom displaying a limited selection of custom-made goods; or,
  - c. Passing along to the customer the cost of new parts or components needed to repair or modify an item.
18. Cottage Industries shall comply with all federal, state or local regulations, including without limitation, obtaining all necessary governmental approvals.
19. Cottage industries on lots less than five acres and approved prior to adoption of this chapter:
- a. All work associated with the cottage industry must be carried out in an accessory structure.
  - b. All materials and equipment associated with the cottage industry shall be stored inside the accessory structure.

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#### 41.3 MINIMUM PARKING REQUIREMENTS FOR SPECIFIC USES

In Table V-6, “GFA” refers to gross floor area. If a fractional number results from application of these requirements, one parking space is required for a fraction of 1/2 or more, and no parking space is required for a fraction less than 1/2.

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TABLE V-6 OFF-STREET PARKING REQUIREMENTS	
Land Use	Number of Parking Spaces
Contracting:	
Building trade and construction contracting	1 per 600 square feet of GFA
Marine contracting	1 per 600 square feet of GFA
<del>Property maintenance and landscaping contracting</del>	<del>1 per 600 square feet of GFA</del>

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Purpose: The purpose of this amendment is to eliminate the Property Maintenance and Landscape Contracting use from the zoning ordinance while providing additional flexibility for Cottage Industry uses on lots greater than 10 acres in size.

Amendment not substantive: An amended ordinance cannot be deemed to be a new or different one unless it enlarges or narrows the scope of the original ordinance to such an extent that the ordinance as enacted can be said to be misleading in a substantial manner in its final form. Amendments that do not defeat the original purpose of the ordinance are not so substantial as to become a new ordinance. *Ajamian v. Montgomery County*, 99 Md. App. 665, 684-685 (1994). This amendment does not meet the test and therefore is non-substantive.